

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL
FILE

In the Matter of)
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Petition for Clarification and)
Modification of Pay-Per-Call)
Rules)
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Petition for Rulemaking
RM No. 7990

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

REPLY COMMENTS OF PILGRIM TELEPHONE, INC.

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Dated: July 31, 1992

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Pilgrim Telephone, Inc. ("Pilgrim"), by and through its attorneys, hereby files its reply comments in the above-referenced proceeding.¹

I. Introduction

The Petition requests that the Commission (1) affirm that services using interstate 800 transport are subject to the Commission's pay-per-call regulations, and (2) require that interexchange carriers ("ICs") refuse 800 transmission service to customers using applications which result in callers being billed premium charges through the use of tone generation technologies, automatic number identification ("ANI") or billing detail.

¹ Petition for Clarification and Modification, National Association of Attorneys General, Notice of Petition for Rulemaking, 57 Fed. Reg. 26,642 (June 15, 1992) ("Petition").

In its initial comments,² Pilgrim supported the first request in the Petition, but expressed reservations concerning the scope and impact of the Petition's second request. Pilgrim now believes that all ICs should adopt tariff provisions similar to those adopted by AT&T and MCI to define and limit the use of 800 service, and that the Commission should order all ICs to adopt similar provisions.

II. Pilgrim Agrees That 800 calls Should Be Free; AT&T And MCI Tariff Revisions Should Be Imposed On All ICs

The primary concern raised by the parties is that consumers are making "free" calls, and later discover that they have been charged for the calls. Consumers have made a reasonable assumption that 800 calls are free, and have expressed feelings of confusion or deceit when billed for such calls.

In light of these concerns, Pilgrim revises its earlier beliefs regarding the need for further clarification regarding billing during an 800 call, and agrees with AT&T's definition of 800 service as a free service.³ To preserve the free nature of 800 service, AT&T and MCI have recently changed their tariffs to

² Comments of Pilgrim Telephone, Inc., RM-7990, filed July 8, 1992 ("Comments").

³ Comments of American Telephone and Telegraph Company, filed July 8, 1992, at 3.

restrict their customers' use of this service.⁴ Pilgrim believes that the tariff revisions filed by AT&T and MCI properly define and limit the uses of 800 service.

Pilgrim will make similar changes to its tariff, and will file this tariff with the Commission in order to protect consumers from the activities addressed by the parties. Pilgrim recommends that other ICs adopt similar tariff provisions, and agrees with AT&T's observation that a Commission rulemaking may be avoided if other carriers adopt similar tariff provisions. As these provisions are adequate to resolve consumer complaints concerning billing for 800 calls, the Commission should require all ICs to adopt AT&T's and MCI's tariff revisions.

III. Conclusion

Pilgrim supports the first recommendation in the Petition, and encourages the Commission to adopt the proposal by issuing a declaratory ruling. As Pilgrim noted in its Comments, the pay-per-call regulations prohibit the conduct noted in the Petition, and prevention of this conduct is more properly an enforcement matter than one which requires the adoption of new rules. Pilgrim supports, however, the issuance of a declaratory ruling, as initially requested in the Petition, that services using

⁴ Id. at 4; MCI Tariff FCC No. 1, Section B.6.116, 6th Revised Page No. 12.3.3, effective July 15, 1992.

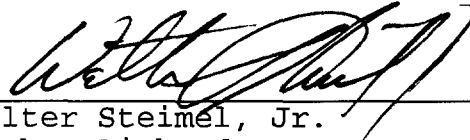
800 interstate transport are subject to the pay-per-call regulations.

Pilgrim further believes that adoption of tariff restrictions on the use of 800 service, as proposed by AT&T and MCI, adequately addresses the concerns raised by the parties. The Commission can issue a declaratory ruling on the record of this proceeding that these tariff revisions constitute a reasonable clarification of the parameters of 800 service, and require all ICs to adopt similar provisions. These tariff revisions resolve the issues before the Commission without embarking on an extensive and complex rulemaking.

July 31, 1992

Respectfully submitted,

PILGRIM TELEPHONE, INC.



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CERTIFICATE OF SERVICE

It is hereby certified that copies of the foregoing REPLY
COMMENTS OF PILGRIM TELEPHONE, INC. were hand-delivered this 31st
day of July, 1992, to the following:

Office of the Secretary
Federal Communications Commission
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Washington, D.C. 20554

(Original + 5 copies)

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